

101461
AN ORDINANCE

DECLARING THE WOODLAWN – BANDERA TO MAIDEN METROPOLITAN PLANNING ORGANIZATION (MPO) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, TO-WIT, ALL PROPERTIES BEING DESCRIBED AS: (1) BEING A 0.0031 ACRE (135 SQUARE FEET MORE OR LESS) TRACT OF LAND, OUT OF LOT 1, BLOCK 30, NEW CITY BLOCK 9590 OF THE UNIVERSITY PART, UNIT 4 SUBDIVISION, AND (2) BEING A 0.0036 (155 SQUARE FEET MORE OR LESS) TRACT OF LAND, OUT OF LOT 24, BLOCK 14, NEW CITY BLOCK 11402 OF THE WOODLAWN HEIGHTS SUBDIVISION, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THIS PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$1,300.00 FROM 2002 CERTIFICATES OF OBLIGATION FUNDS FOR THE ACQUISITION AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY’S FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the Woodlawn – Bandera to Maiden MPO Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is necessary to acquire the fee simple title and/or easement interest in two parcels of land for use as part of the Project, the property to be acquired being described in Section 3 below, and more fully in **Attachment I** attached hereto and incorporated herein for all purposes (the “Property”); and

WHEREAS, in order to proceed with the acquisition of the Property, it is also necessary to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property have been completed and reviewed by City staff and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Woodlawn – Bandera to Maiden MPO Project is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easement(s) to certain privately owned real property, by negotiation and/or condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street, drainage and/or utility improvements as part of the Woodlawn – Bandera to Maiden MPO Project in San Antonio, Bexar County, Texas.

SECTION 3. A specific public necessity exists to acquire by negotiation and/or condemnation; if necessary, the property more specifically described in **Attachment I** incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property”.

SECTION 4. The approved compensation for the Property is shown in **Attachment II** which is attached hereto and incorporated herein for all purposes.

SECTION 5. The following financial adjustments are hereby authorized to effect this Ordinance:

- (a) The amount of \$1,300.00 is appropriated in SAP fund 43172000, 2002 Certificates of Obligation Bonds, **CO-00030-01-01-66**, SAP GL account 6102100 - Interfund Transfers Out, entitled Transfer to **23-00969-90-10**. The amount of \$1,300.00 is authorized to be transferred to SAP fund 43099000.
- (b) The budget in SAP fund 43099000, Project Definition #23-00969 Woodlawn – Bandera to Maiden (MPO) Project, shall be revised by increasing WBS element **23-00969-90-10**, entitled TRF FR **CO-00030-01-01-66**, SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$1,300.00
- (c) The amount of \$600.00 is appropriated in Fund 43099000 Project Definition 23-00969 Woodlawn – Bandera to Maiden (MPO) Project, WBS element 23-00969-03-02-04, GL 5209010 and is authorized to be encumbered and made payable for fee simple title when a purchase order is issued.
- (d) The amount of \$700.00 is appropriated in Fund 43099000 Project Definition 23-00969 Woodlawn – Bandera to Maiden (MPO) Project, WBS element 23-00969-03-02-05, GL 5209010 and is authorized to be encumbered and made payable for miscellaneous fees when a purchase order is issued.

SECTION 6. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in **Attachment II**, to execute sales agreements purchasing the Property from the owners as the owner's are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure

adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 7. That in the event that the City staff is unable to acquire one or more parcels of the Property by negotiation by reason of the inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. and/or the law firm of Bracewell & Giuliani, L.L.P., and/or the law firm of Oppenheimer, Blend, Harrison & Tate, Inc. as special counsel as may be needed from time to time and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 8. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance shall be effective on the 9th day of October, 2005.

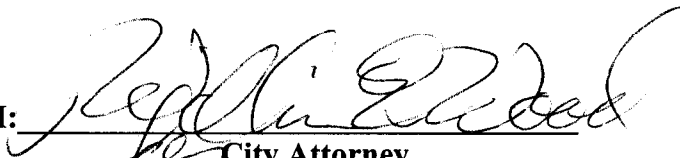
PASSED AND APPROVED this the 29th day of September, 2005.


M A Y O R
PHIL HARDBERGER

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney